

LEAH R. WIGREN  
Nevada Bar Number 6862  
5995 Shadow Park Drive  
Reno, NV 89523  
(775)-747-0526  
Attorney for Roque Gonzalez-Najera

<input checked="" type="checkbox"/> FILED ENTERED	<input type="checkbox"/> RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
AUG - 5 2010	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

United States of America,	)	
	)	
Plaintiff,	)	
v.	)	
	)	Case No.: 3:09-cr-109-ECR-VPC
Roque Gonzalez-Najera,	)	
	)	
Defendant.	)	
	)	

**STIPULATION and ORDER TO CONTINUE SENTENCE HEARING**

IT IS HEREBY STIPULATED AND AGREED by and between Leah Wigren, counsel for Roque Gonzalez-Najera, and Daniel Bogden, United States Attorney, and Megan Rachow, Assistant United States Attorney, that the Sentence Hearing in the captioned matter currently set for August 6, 2010, at 1:30 p.m. be moved to September 3, 2010, at 1:30 p.m.

The continuance is requested on the basis that the Sentence Hearing for Mr. Rivera-Gonzalez, Mr. Gonzalez-Najera's co-defendant, was moved from August 5, 2010, to September 7, 2010, in order for Mr. Rivera-Gonzalez to participate in a second debrief session in an attempt to meet the factors of 18 U.S.C. § 3553(f). Mr.

1 Gonzalez-Najera respectfully seeks like treatment. At this point, the Government  
2 has objected to the application of the safety-valve provision to Mr. Gonzalez-  
3 Najera's case. If he is able to meet the section 3553(f) factors by way of a second  
4 debrief session, he will be facing fifty-seven months in custody, as opposed to 120-  
5 168 months. The Government and case agent have agreed to allow Mr. Gonzalez-  
6 Najera to debrief a second time.  
7

9 This continuance is sought on a good faith basis and in the interest of justice,  
10 and is not made for the purposes of delay, or for any other improper reason. It does  
11 not appear that a continuance in this matter would violate any portion of 18 U.S.C.  
12 § 3161(h)(7)(A) and (B)(I) and (iv), the Speedy Trial Act, or any other statutory or  
13 constitutional protections afforded to defendant or the Government.  
14

15  
16 Respectfully submitted this 5th day of August, 2010.  
17

18  
19 \_\_\_\_\_/s/  
20 Megan Rachow  
21 Assistant United States Attorney  
22


\_\_\_\_\_/s/  
Leah R. Wigren  
Counsel for Roque Gonzalez-Najera  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

The Court finds that the requested extension of time in which to hold the Sentence Hearing in this case is made in the interest of furthering justice, and not for any improper purpose. The court further finds that a continuance in this matter does not violate any portion of 18 U.S.C. § 3161(h)(7)(A) and (B)(I) and (iv). IT IS HEREBY ORDERED that the Sentence Hearing for Roque Gonzalez-Najera, currently scheduled for August 6, 2010, at 1:30 p.m., be continued to September 3, 2010, at 1:30 a.m.

DATED this 5 day of August, 2010.



UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

The undersigned certifies that on August 5, 2010, she electronically filed with the District of Nevada Defendant's Stipulation to Continue Sentence Hearing, and that Plaintiff's counsel, Megan Rachow, at [megan.rachow@usdoj.gov](mailto:megan.rachow@usdoj.gov), and Defendants' counsel, Loren Graham, at [grahamcole@aol.com](mailto:grahamcole@aol.com), and Mitch Posin, at [mposin@gmail.com](mailto:mposin@gmail.com), and Jesse Garcia at [gstcrimlaw@yahoo.com](mailto:gstcrimlaw@yahoo.com) are listed in the District of Nevada's records as recipients of all electronic filings in Case Number 3:09-cr-109-ECR-VPC, at the electronic mailing addresses provided above.

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Leah R. Wigren  
Counsel for Roque Gonzalez-Najera